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| 10/797,695 | 03/10/2004 | Ziv Haparnas | 1005-09-01 USP | 4321 |

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| EXAMINER |
|---|
| RICHARDSON, THOMAS W |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _09 May 2008_.

2a) ☒ This action is FINAL.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-20_ is/are pending in the application.

　　4a) Of the above claim(s) _2,10,12 and 20_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1, 3-9, 11, and 13-19_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

Claims 1-20 are pending for examination.

Claims 1, 3-6, 8, 11, and 13-19 are amended.

Claims 2, 10, 12, and 20 are cancelled.

Claims 1, 3-9, 11, and 13-19 are rejected.

### *Response to Arguments*

1.      Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

2.      In addition, applicant asserts that cited reference Lewis (US 2002/0194331) directly teaches away from the claimed invention "by suggesting transmitting an incoming call notification only if the mobile station is fully engaged." Applicant is reminded that "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed..." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Applicant fails to point where Lewis directly criticizes, discredits, or otherwise discourages the use of his invention when a mobile device is not fully engaged. Thus, Lewis is not withdrawn as being an improper prior art reference.

### *Response to Amendment*

3.      The amendment filed 09 May 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added

material which is not supported by the original disclosure is as follows: Claims 1 and 11,

the addition of the limitation "without regard to the call state of the mobile device" is not

supported by the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

4.      The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.      Claims 1, 3, 4, 8, 11, 13, 14, and 18 are rejected under 35 U.S.C. 102(b) as

being unpatentable over uReach.com, "the all-in-one communications service"

(hereinafter uReach).

6.      As per claim 1, uReach teaches a method of managing telephony events

associated with a mobile device from a general-purpose computer, the method

comprising:

monitoring first data directed to the mobile device over a wireless

communications network, wherein the first data causes the mobile device to execute

one or more first telephony events (page 1, where the calls for a phone number may be

routed to a cell phone, also page 2, where a notification of a new message may be sent

via page or a phone call);

determining whether the first data belongs to one or more predetermined

categories of data designed to be forwarded to the general-purpose computer (page 1,

where a voice mail call may be directed for listening over a PC)

generating second data from the first data, in response to determining that the second data is needed to cause the general-purpose computer to execute one or more second telephony events that are equivalent or similar to the one or more first telephony events that are designed for execution on the mobile device (page 1, where a voicemail message may be directed for listening over a PC if the call is not taken by the first device, which may be a cell phone, also page 2, where notifications may be sent to various devices using various methods, such as email or instant message);

forwarding the first data or, where needed, the second data to the general-purpose computer, without regard to the call state of the mobile device, in response to determining that the first data belongs to the one or more predetermined categories (page 1, where a voicemail message may be directed for listening over a PC if the call is not taken by the first device);

wherein the general-purpose computer receives the first or the second data and executes the one or more second telephony events using additional resources available on the general-purpose computer which are not available on the mobile device (page 1, where a voicemail message may be directed for listening over a PC is the call is not taken by the first device. Also page 2, where access may take place in different forms, such as over the phone or over the web, showing that different resources may be used between devices).

7.     As per claim 3, uReach further teaches forwarding the first or second data to the general-purpose computer directly over an IP based connection (page 2, where access may come from a Web-enabled device or over the Web by a PC (as is page 1, where

voicemail may be accessed by a PC. It is well-known in the art that the Internet is an IP

based network, so using the IP protocol is inherent when using a PC over the Web).

8.     As per claim 4, uReach further teaches forwarding the first or second data to the

general purpose computer directly over a TCP/IP based connection (page 2, where a

notification may be sent via email, which is commonly known in the art to utilize TCP

connections, as is the case with POP and SMTP).

9.     As per claim 8, uReach further teaches that the one or more predetermined

categories defines a set of executable telephony events (page 1, where messages may

be voicemail messages).

10.    Claims 11, 13, 14, and 18 are substantially the same as claims 1, 3, 4, and 8,

directed toward a system rather than a method. uReach inherently uses a system

containing devices such that the mobile device and PC may connect, send, and receive

messages. Therefore, system claims 11, 13, 14, and 18 are rejected under the same

basis as method claims 1, 3, 4, and 8.

### *Claim Rejections - 35 USC § 103*

11.    Claims 5-7, 9, 15-17, and19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over uReach as applied to claim 1 above, further in view of US

2002/0194331, Lewis et al.

12.    As per claim 5, uReach does not expressly teach the use of a UDP connection.

Lewis teaches a method and system for call notification wherein:

the notification is forwarded to the second device directly over a UDP/IP based

connection (paragraph 22, where the system uses voice over IP (VoIP), which is

commonly known in the art to use the UDP protocol to send messages).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to utilize the UDP protocol as Lewis over the Web such as in the system as taught by

uReach. UDP is known in the art as an alternative to TCP for message delivery, and it

would have been obvious to try from a finite number of identified, predictable solution,

with a reasonable expectation of success. UDP, as well known in the art, offers faster

and more efficient transfer, but does not provide delivery guarantees such as that of

TCP. Thus, for the predictable and well known result of faster and more efficient

transport, it would have been obvious to use UDP.

13.     As per claim 6, uReach does not expressly teach sending messages by way of a

wired internet connection.

Lewis teaches a method and system for call notification wherein:

the notification is forwarded by way of a server device connecting the first and

second devices over a wired Internet connection (Figure 1, where the serving MSC and

is connected to the SCP through a wired network, and the data is sent to the home

MSC through that wired network).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to utilize a wired connection such as that taught by Lewis in a system such as that

taught by uReach. uReach simply states that notifications may be sent in a variety of

ways (page 2), but does not specifically state the connection those are sent over. It

would have been obvious to one of ordinary skill in the art that a notification sent to a

PC or phone via email, phone call, or instant message may be sent over a wired

connection, such as that which communicates call notifications in the system as taught

by Lewis (Figure 1).

14.      As per claim 7, uReach further teaches that the server device performs the step

of generating the second data (page 2, where the notification originates from the

uReach.com account and is delivered to the devices).

15.      As per claim 9, uReach does not expressly teach that the telephony event must

be at least one of answering an incoming call, ignoring an incoming call, and

discontinuing an incoming call.

Lewis teaches a method and system for call notification wherein:

          the set of executable telephony events comprise at least one of answering an

incoming call, ignoring an incoming call, and discontinuing an incoming call (paragraph

69, where the user selects from a list of options regarding the incoming telephone call,

including taking or forwarding the call).

It would have been obvious to one of ordinary skill in the art at the time of the invention

that the notification as taught by uReach may include notification of current calls.

uReach teaches that all calls may be forwarded to voicemail if selected by the user, and

notifications are sent as messages arrive. In addition, calls may be forwarded to one or

more devices, so that the user has an option of taking the calls at a device. It would be

beneficial to provide a notification for incoming calls with selections such as that taught

by Lewis, as it would allow the user to have a notification of the call as well as the

message received.

16.     Claims 15-17 and 19 are substantially the same as claims 5-7 and 9, directed

toward a system rather than a method. Lewis teaches a system as well as a method

(title). Therefore, system claims 15-17 and 19 are rejected under the same basis as

method claims 5-7 and 9.

### *Conclusion*

17.     **THIS ACTION IS MADE FINAL.**  Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

18.     The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        uReach.com "uMessage" teaches messaging capabilities of uReach services.

        US 7 386 588, US 7 209 949 Mousseau et al teaches a system and method for

        pushing information from a host system to a mobile device.

US 7 292 588, Milley et al teaches wireless network computing.

US 7 269 602, Kaappa teaches a method and device for allowing establishment of a device management tree for mobile devices.

US 7 209 955, Major et al teaches a notification system and method for a mobile device.

US 6 959 330, McIlroy teaches sync-time ROM image binding for limited resource devices.

US 6 829 655, Huang et al teaches a method and system for server synchronization with a computing device via a companion device.

US 2005/0066037, Song et al teaches a browser session mobility system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS RICHARDSON whose telephone number is (571) 270-1191. The examiner can normally be reached on Monday through Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TR
6/20/2008

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144